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TERRORISM RISK ASSESSMENT



James A. Himes
Congress of the United States

4th District, Connecticut

June 16, 2010

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The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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Dear Chairman Genachowski:

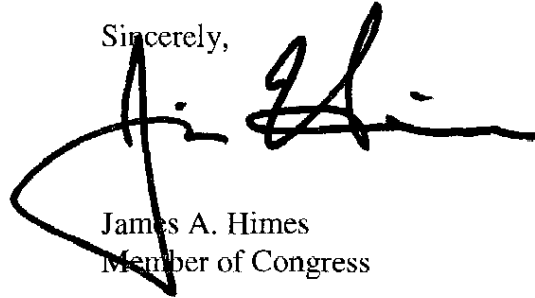
I am writing to you regarding the issue of unlicensed or "pirate" radio stations operating in the vicinity of Brockton, Massachusetts. Located in Stamford, Connecticut, BusinessTalkRadio.net, Inc. is the owner of WXBR, 1460 AM, licensed to Brockton, MA. The Brockton station reported experiencing interference over its frequency from what appear to be unlicensed radio stations operating in the ranges of 1580-1710AM and 90.1-103.5FM. WXBR also reported that several of these pirate radio stations sell advertisement spots, cutting into the already limited revenue opportunities available to licensed local broadcasters.

Preserving freedom of speech as solidified in the First Amendment and its proliferation over our airwaves is of paramount concern. To maintain this freedom, the Federal Communications Commission (FCC) was established as an independent agency to regulate interstate and international communications, to ensure fair and manageable organization of the limited frequency spectrum over which radio broadcasters can operate. The established fee pay licensing system requires broadcasters to go through a uniform, transparent process, and by doing so, they agree to comply with the reasonable standards set by the agency. Presumably, unlicensed radio stations do not incur similar costs nor are they subject to regulation, thus receiving an unfair and illegal market advantage.

The FCC Enforcement Bureau, Northeast Region, Boston Office, has previously issued a Notice of Unlicensed Operation to individuals operating pirate stations in the Brockton area. The FCC Notice of Unlicensed Operation warns an unlicensed broadcaster of the penalties of transmitting without a valid authorization and allows the operators ten days to provide evidence of authority to operate or to shut-down the broadcast. Unfortunately, there is little evidence of subsequent action by the FCC to ensure the termination of unlicensed broadcasts in the Brockton area, and the issuance of notices has not served to deter targeted pirate stations from broadcasting. Limited follow up allows unlicensed broadcasters to continue to operate and continue to drain revenue from licensed stations such as Business Talk Radio in Brockton.

I commend the FCC for its efforts to ensure that the nation's airwaves serve the public interest and for its initial efforts in the last several years to identify and eradicate unlicensed radio stations in the Brockton area. However, in light of the persistent operation of unlicensed broadcasts, interfering with local licensed radio stations and compromising their revenue stream, I ask that you give special attention to these unlicensed radio stations operating in the above referenced frequency ranges, to ensure the fair and lawful operation of local radio broadcasting.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Himes', with a large, stylized flourish extending from the bottom left.

James A. Himes
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

August 11, 2010

The Honorable James A. Himes
U.S. House of Representatives
214 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Himes:

Thank you for your letter regarding the presence of unlicensed or "pirate" radio stations apparently operating in the Brockton, Massachusetts area that is affecting the licensed operation of AM station WXBR.

I am pleased that previous actions by the Commission's Boston Field Office effectively ended the operation of pirate stations in Brockton; I appreciate your bringing to my attention reports of new illegal operations in the area. Agents in the Boston Office will follow up soon to determine whether any pirate stations have resumed operations in Brockton.

Investigating reports of pirate stations is a Commission priority and all necessary enforcement action will be pursued. I appreciate your making me aware of your concerns in this matter. Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in dark ink, appearing to be "J. Genachowski", is written over a horizontal line.
Julius Genachowski